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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANGELA OCKUNZZI,

Defendant.

Case No. 2:10-cr-00272-LDG-GWF

**GOVERNMENT'S MOTION FOR
EXTENSION OF TIME TO FILE
RESPONSE TO THE COURT'S
OMNIBUS ORDER FOR
CLARIFICATION REGARDING
RESTITUTION
(First Request)**

UNITED STATES OF AMERICA,

Plaintiff,

v.

SHARI WONG CULOTTA,

Defendant.

Case No. 2:10-cr-00300-JCM-PAL

ORDER

UNITED STATES OF AMERICA,

Plaintiff,

v.

PATRICK AKOOPIE,

Defendant.

Case No. 2:10-cr-00304-ECR-RJJ

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT ROZZEN,

Defendant.

Case No. 2:10-cr-00305-RLH-PAL

1 UNITED STATES OF AMERICA,
2 Plaintiff,
3 v.
4 DENNIS MORALES,
5 Defendant.

Case No. 2:10-cr-00317-LDG-RJJ

6 UNITED STATES OF AMERICA,
7 Plaintiff,
8 v.
9 PARKER ENLOE,
10 Defendant.

Case No. 2:10-cr-00319-JCM-PAL

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 TODD EMOND,
15 Defendant.

Case No. 2:10-cr-00320-APG-PAL¹

16 UNITED STATES OF AMERICA,
17 Plaintiff,
18 v.
19 BEVERLY ANTONIO,
20 Defendant.

Case No. 2:10-cr-00322-PMP-GWF

21 UNITED STATES OF AMERICA,
22 Plaintiff,
23 v.
24 PAUL WAGNER,
25 Defendant.

Case No. 2:10-cr-00399-MMD-GWF

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27 ¹ The Court's Omnibus Order identifies the assigned District Judge as Judge Dawson in the case
28 of *United States v. Emond*, 2:10-cr-00320. Judge Dawson was the sentencing judge, but he was
recused from this matter on January 8, 2018 and the case was reassigned to Judge Gordon.

1 UNITED STATES OF AMERICA,

2 Plaintiff,

3 v.

4 MARK GONZALEZ,

5 Defendant.

Case No. 2:12-cr-00446-GMN-VCF

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7 The United States of America (“Government”) hereby moves for an extension of ninety
8 (90) days to file its response to the Court’s Omnibus Order Regarding Clarification of
9 Restitution (“Omnibus Order”) in the captioned cases. This is the Government’s first request for
10 an extension of time and is not sought for purposes of delay or any other improper purpose.

11 The Court’s Omnibus Order requires that the Government respond to several different
12 requests for clarification of the judgments regarding several different defendants. Each of the
13 defendants was a participant in a complex conspiracy that directly and proximately caused
14 millions of dollars of loss to victims. To adequately respond to the questions raised in the
15 Omnibus Order will require extensive review of the identified cases, up to and including: (1)
16 reviewing the underlying case files and evidence, (2) reviewing relevant transcripts from
17 sentencing and other hearings, (3) reviewing filings related to restitution in each case, (4)
18 reviewing agreements entered into between the parties as it relates to restitution, (5) reviewing
19 the restitution calculation supporting the sentences, (6) reviewing the interrelationship of
20 multiple defendants as it relates to restitution and joint and several liability, and (7) reviewing
21 the spreadsheet the Clerk’s Office finance department relied upon to seek clarification of the
22 Court’s judgments.

23 The necessary review requires a significant dedication of resources, both in time and
24 funds. Given the significant passage of time since the judgments were entered, most of the
25 original case files have been archived and must be retrieved from offsite locations outside of the
26 district. In several of the identified cases the prosecuting AUSAs are no longer employed with
27 the United States Attorney’s Office and review will have to be performed by individuals not
28 involved in the prosecution or sentencing. Even in those cases where the prosecuting AUSA is

1 still with the office, the conspiracy underlying the convictions and restitution in these cases was
2 far-reaching and complex and the cases were prosecuted many years ago. To adequately
3 respond, the Government must obtain and review the relevant sentencing transcripts and
4 transcripts from other pre or post-sentencing proceedings regarding restitution in several of the
5 identified cases. The process of identifying and ordering the necessary transcripts is underway,
6 but obtaining transcripts is an inherently time-consuming process. The Government must also
7 review the relationship amongst the various defendants as it relates to the long ago prosecuted
8 conspiracy to address the Court's questions regarding restitution calculations and joint and
9 several liability. The combination of the necessary and any unforeseen tasks will take
10 significantly more time than was originally allotted by the Omnibus Order.

11 The Government notes further that the Omnibus Order identifies several issues that
12 could raise significant legal questions, including, without limitation: (1) The authority to change
13 restitution that is agreed between the parties, ordered by the Court as part of the criminal
14 sentence, and unchallenged on appeal; (2) The authority to *sua sponte* reopen sentencing to
15 recalculate restitution or determine joint and several liability years after the original sentence;
16 and (3) The ability to appeal the original restitution and sentence as a result of the Court's
17 Omnibus Order and responses thereto. While it is unclear at this time to what extent these or
18 other issues may be implicated by the Omnibus Order, the Government needs additional time to
19 fully investigate and respond to both the factual issues and legal issues raised by the Omnibus
20 Order.

21 Ultimately, while the questions posed in the Omnibus Order may appear simple and
22 straightforward, the necessary tasks and analysis for a full and adequate response are not. The
23 Government believes, without waiving its ability to seek additional time, that ninety (90) days
24 should be sufficient to obtain, review, and analyze the relevant materials and address the issues
25 raised in the Court's Omnibus Order. The requested extension will not prejudice or otherwise
26 have any impact on the defendants, who were sentenced long ago and remain under the
27 obligations imposed by the Court's lawful, unchallenged restitution judgments. Accordingly, it
28

1 is respectfully requested that the Government have until **Thursday, July 19, 2018** to file its
2 response to the Court's Omnibus Order.

3 Respectfully submitted this 13th day of April, 2018.

4 DAYLE ELIESON
5 United States Attorney

6 /s/ Mark E. Woolf
7 MARK E. WOOLF
8 Assistant United States Attorney
9 *Attorneys for the United States*

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11 IT IS SO ORDERED:

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13 UNITED STATES DISTRICT JUDGE
14 Dated: April 16, 2018.

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20 **CERTIFICATE OF SERVICE**

21 I, Mark E. Woolf, certify that the **GOVERNMENT'S MOTION FOR EXTENSION**
22 **OF TIME TO FILE RESPONSE TO THE COURT'S OMNIBUS ORDER FOR**
23 **CLARIFICATION REGARDING RESTITUTION** was served via the Court's Electronic
24 Case Filing system.

25 Dated this 13th day of April 2018.

26 /s/ Mark E. Woolf
27 MARK E. WOOLF
28 Assistant United States Attorney